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PATENT

Docket No. 312762001530 # 6

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on January 11, 2000.

Joy Day

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ann Monosov and Xinyu Fu

Serial No.: 09/023,232, for Reissue of U.S.
Patent 5,569,812

Filing Date: February 13, 1998

For: NUDE MOUSE MODEL FOR HUMAN
NEOPLASTIC DISEASE

Examiner: unknown

Group Art Unit: unknown

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JAN 20 2000

TRANSMITTAL

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Box 7
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Request for Reconsideration of Petition Under 37 CFR 1.47(a) and Submission of Petition Under 37 CFR 1.47(b);
2. Petition for Extension of Time 37 CFR 1.136(a);
3. Supplemental Reissue Application Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest on Behalf of Nonsigning Inventors who Refuse to Sign or Cannot be Reached Under 37 CFR 1.47(b)
4. Added Page to Combined Declaration and Power of Attorney for Signature by Person with Sufficient Proprietary Interest on Behalf of Nonsigning Inventors who Refuse to Sign or Cannot be Reached Under 37 CFR 1.47(b);

5. Reissue Application Declaration and Power of Attorney by Assignee;
6. Declaration of Thomas D. Mays and Exhibits 1-17;
7. Declaration of R. Lynn Cruz; and
8. Check for \$680.00

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: January 11, 2000

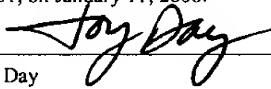
By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)
AND SUBMISSION OF PETITION UNDER 37 C.F.R. § 1.47(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231
Box 7

Dear Sir:

This is in response to the Decision mailed 13 July 1999, dismissing Applicants' petition under 37 C.F.R. § 1.47(a) filed 19 October 1998. Response was due on 13 September 1999. A petition for an extension of time of four (4) months until 13 January 2000, is included with this request for reconsideration.

Said petition was dismissed for: (1) failing to establish that joint inventor Fu could not be reached or that he refused to sign the declaration; and (2) failing to file an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116. Applicant's undersigned representative appreciates the courtesy extended during a personal interview held by Petitions Examiner Karin Tyson, Petitions Branch, with Applicants' representative Thomas D. Mays on November 2, 1999. During which interview Dr. Mays discussed the previously filed petition and

Applicants' intention to file a corrected petition as enclosed herein. Examiner Tyson agreed that Applicant is permitted to file such a corrected petition and, if properly supported, such petition would be granted. The propriety of filing the Petition by Assignee in the case wherein neither inventor's signature could be obtained was acknowledged. The request for consideration of petition under 37 C.F.R. § 1.47(a) has been modified in view of the interview with Examiner Tyson and the subsequent refusal of the other inventor, Ann Monosov, to sign the petition as well. A petition under 37 C.F.R. § 1.47(b) is substituted for the original petition. This petition is accompanied by:

1. proof that both non-signing inventors cannot be reached or refused to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
2. an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
3. (the petition fee has already been submitted); and
4. statements of the last known addresses of the non-signing inventors.

As to requirement (1) enclosed herewith is the Declaration of Thomas D. Mays with exhibits, demonstrating that inventor Fu could not be reached for signature of a non-defective declaration and that inventor Monosov refused to sign the declaration after having been presented with the application papers.

As to item (2) enclosed is the Declaration of Dr. Robert Hoffman in compliance with 35 U.S.C. § 115. Dr. Hoffman is the Chief Executive Officer of AntiCancer, Inc., the assignee of the entire right, title and interest in the invention and in the patent for which reissue is sought.

As to item (3), the petition fee has already been submitted and was acknowledged in the decision dismissing the original petition.

As to item (4), the last known address of inventor Fu is:

Dr. Xinyu Fu
3725 Miramar Street, Apt. C
La Jolla, CA 92037.

The last known address of inventor Monosov is:

Dr. Ann Monosov
1715 Edgefield Lane
Encinitas, CA 92024-1977.

It is believed that the herein petition and accompanying documents meet the requirements of the statute and the rules. Accordingly, applicants respectfully request that the reissue application for U.S. Patent 5,569,812 be accepted and examined.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 312762001530. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 11, 2000

By: Kate H. Murashige
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